

DEPARTMENT OF FOOD AND AGRICULTURE

A.G. KAWAMURA, Secretary

Division of Measurement Standards
8500 Fruitridge Road
Sacramento, CA 95826



December 22, 2003

TO THE INDUSTRY MEMBER ADDRESSED

The Division of Measurement Standards has become aware that palletized landscaping materials such as cement paving stones, limestone, flagstone, natural stone, or decorative rock are being sold by gross weight (the weight of the material, the pallet, and the wrapping materials). Whenever landscaping materials are sold as a unit, including the pallet and wrapping materials, they must be sold by the net weight of only the material. The California Business and Professions Code (B&P Code) §12023 and §12024 state that any person who sells any commodity according to gross weight or measure, or in less quantity than represented, is guilty of a misdemeanor.

There are two methods of sale for palletized materials that comply with California Law.

1. If the product is packaged and weighed in advance of the delivery or sale, the true net weight or measure must be marked on the package and the label must also include the identity of the product and the name of the party responsible for packaging the commodity.
2. If the product is weighed at the time of delivery or sale, the true net weight or measure must be determined at that time. If the buyer is not there to witness the weighing, then the quantity must be determined by a licensed weighmaster and a weighmaster certificate must be issued to the buyer. When the seller is selling the material as a unit, he/she must determine the weight of the pallet and wrapping material and deduct that weight to calculate the net weight of the material. If the pallet and wrapping material for all the units is the same, a common tare weight may be used to calculate the net weight of the material.

If you have any questions regarding this matter, please call me at the number listed below or via email at: cmough@cdfa.ca.gov

Sincerely,

A handwritten signature in blue ink, reading "Cynthia Lyon-Mough".

Cynthia Lyon-Mough
Program Supervisor
Liaison and Training Unit
(916) 229-3050